

REMARKS

Claims 1 and 2 were examined and acted upon in the aforesaid Office Action. No claim has been cancelled and no new claim has been added, leaving claims 1 and 2 for further consideration.

Claim 1 stands rejected as anticipated by Robertson. Robertson shows staple-like elements used to attach a prosthetic heart valve to a natural heart, whereas the invention defined by claim 1 serves to reduce the annulus of a natural heart and is not related to the attachment of artificial valves to a natural heart.

Turning to the amended language of claim 1, the apparatus is said to include first and second plication bands, each having first and second substantially straight and parallel legs. The Robertson "staple" includes a straight leg and a C-shaped leg.

According to claim 1, the first and second legs are adapted to pierce heart tissue for Robertson, the straight leg is adapted to pierce a cuff of an artificial heart, it does not appear to pierce tissue.

Claim 1 further limits the invention to the bridge being deformable so as to cause the ends of the first and second legs to each move toward the other. In Roberson, the C-shaped leg

moves toward the straight leg; the straight leg appears not to move toward the C-shaped leg.

According to claim 1, the first and second legs effect contraction of the annulus of the heart valve. In Robertson, it appears from Figs. 5-8 that the C-shaped leg merely connects the artificial heart valve cuff (94) to the heart tissue. There does not appear to be any contraction of the heart valve annulus caused by the staple.

Further, claim 1 states that the first and second legs gather together pierced tissue. In Robertson the staples do not "gather together" pierced tissue. It would appear that if the heart tissue of Robertson were gathered together, that would create a series of leaks all around the cuff of the artificial valve.

Finally, claim 1 is now limited to a linking construct connected proximate a first end thereof to the first plication band, and proximate a second end thereof to the second plication band. In Robertson, the cuff (94) is a portion of an artificial heart valve, rather than a part of an apparatus comprising first and second plication bands. Further, the cuff of Robertson is annular and has no first and second ends and is therefore not

connected at a first end to a first plication band and not connected at a second plication band.

It therefore appears that amended claim 1 stands well clear of anticipation and further, that in view of the several distinguishing features, is not rendered obvious by Robertson.

Claim 2 has been amended in much the same fashion as claim 1 and for the same reasons as noted above would appear to be well removed from the teachings of Robertson.

In view thereof, allowance of claims 1 and 2 is most respectfully requested.

In the event that any fees may be required in this matter, please charge the same to Deposit Account No. 16-0221.

Thank you.

Respectfully submitted,



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